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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,866

Applicant(s)

BRIEF, VICTOR

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 23-88 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>see continuation</u> . | 6) <input type="checkbox"/> Other: _____ |

IDS Statements: 20060403,20060310, 20060306

DETAILED ACTION

1. The following is in response to communications received 05/05/2006. Claims 5 and 22 have been amended. Claims 23-89 have been added. Thus claims 1-89 were pending. Since newly added claims 23-89 are subject to a restriction requirement, claims 1-22 have been elected by original presentation and claims 23-89 have been withdrawn from further consideration.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-22, drawn to receiving job request from a hiring manager and forwarding qualified resumes of potential workers to the manager for review, classified in class 705, subclass 9.
 - II. Claims 23-68, drawn to managing competitive request for quote (RFQ) hiring where a submitted request for quote is received, processed, and approved, classified in class 705, subclass 8.
 - III. Claims 69-82, drawn to managing non-competitively directly sourced temporary workers using direct source purchase requisitions limits, classified in class 705, subclass 8.
 - IV. Claims 83-89, drawn to tenure management by maintaining records of workers and information on tenure durations and threshold limits, classified in class 705, subclass 9.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are

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not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as reviewing qualified resumes, such as by interviews, to find a worker to fill and received job request (i.e. no RFQs, no direct source purchase requisitions, and no tenure considerations). Subcombination II has separate utility such as processing RFQs for potential competitive employee requisitions (i.e. no resume review or interviewing, no direct source purchase requisitions, and no tenure considerations).

Subcombination III has separate utility such directly sourcing workers using non-competitive means (i.e. no resume review or interviewing, no RFQs, and no tenure considerations). Finally, Subcombination IV has separate utility such tenure and employee record management (i.e. no resume review or interviewing, no direct source purchase requisitions, and no RFQs). See MPEP § 806.05(d).

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Newly submitted claims 23-89 (inventions II-IV) are directed to an invention that is independent or distinct from the invention originally claimed for the reasons set forth above. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-89 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

3. Applicant's amendment to the title and submission of an abstract are sufficient to overcome the specification objections set forth in the previous office action.
4. Applicant's amendments to claims 5 and 12 are sufficient to overcome 35 USC § 112, second paragraph, rejections set forth in the previous office action.

Affidavit under 37 CFR 1.131

5. The affidavit filed on 05/05/06 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kipling (U.S. 2002/0103687) or Dietz et al. (U.S. 6,408,337) references.

In order to effectively swear behind the Kipling or Dietz et al. references, dated 02/01/2000 and 05/14/1999, respectively, the declarations filed 05/05/2006 under 37 CFR 1.131 must either 1) establish conception of the invention coupled with due diligence just before 05/14/1999 or 02/01/2000 to reduction to practice (actual or constructive) or 2) show actual reduction to practice before 05/14/1999. See MPEP 715.

With respect to establishing conception of the invention, the declaration filed asserts conception of the invention prior to May 14, 1999 -or- 02/01/2000, but fails to establish this conception with respect to the limitations of the claims. In order to establish conception, the declaration must show that the inventor(s) had conceived each and every limitation of the claims. The declaration broadly states in paragraph 1 that applicant conceived of the subject invention, but does not specifically set forth what was conceived in terms of the claim limitations. Applicant further provides diagrams presented in exhibit A, but does not map these diagrams to the language of the claimed invention. As per MPEP 2138.04, conception is established when

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the invention is made sufficiently clear to enable one skilled in the art to reduce it to practice without the exercise of extensive experimentation. However, Applicant has not provided such information with the affidavit as to allow one skilled in the art to reduce the invention to practice.

Further, MPEP 715.07 discusses how a declaration that asserts conception, without a statement of facts demonstrating the correctness of the conclusion, is insufficient to satisfy 37 CFR 1.131. The statement in paragraph 1 merely states that the invention was conceived of prior to May 14, 1999 and asserts an exhibit, which is conclusionary. Thus, the declaration does not persuasively show that the inventor conceived of each and every limitation of claims prior to May 14, 1999.

With respect to diligence, the critical period in which diligence must be shown begins just prior to the effective date of the reference and ends with the date of reduction to practice, either actual or constructive. Thus, in this case, diligence must be shown from just prior to 05/14/1999 through 11/13/2001 (the filing date of the nonprovisional application) in order to overcome the reference. However, the evidence submitted is insufficient to establish diligence from a date prior to 05/14/1999 through 11/13/2001. Specifically, there is no timeline or evidence in the declaration that conveys “reasonable diligence”, such as the activities performed or explanations/excuses for inactivity during this time period. The applicant presents in paragraph 3 a statement that “does diligence was exercised from before May 14, 1999 toward a reduction to practice of the subject invention after May 14, 1999”. However, Applicant has provided no evidence of positive acts or acceptable excuses that occurred in this time period. In this paragraph, applicant further asserts a testing of a prototype that occurred in October of 1999, but has provided no evidence that supports such a prototype or the testing of the prototype.

Finally, there is no accounting for the period between this prototype and the period up to the filing date of the non-provisional application. Examiner reminds the applicant that, as per MPEP 715.07, a conclusionary statement alleging diligence is not sufficient to establish diligence under 37 CFR 1.131. Thus, the declaration does not sufficiently establish diligence.

As for showing actual reduction to practice, Examiner assumes that Applicant is not trying to establish actual reduction to practice by the prototype because the testing occurred in October 1999, which is after the required date of 05/14/1999. No other specific dates have been asserted with respect to an actual reduction to practice. Therefore, applicant has either not attempted or failed to show actual reduction to practice before 05/14/1999.

Therefore, in conclusion, the declaration filed on 05/05/2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kipling and Dietz et al. references.

Therefore, the rejections of the claims using the Kipling and Dietz et al. references have been maintained. The rejections have been updated to address the current amendments and have been presented below.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1, 2, 6-8, 11-13, 16, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kipling (U.S. 2002/0103687). Examiner notes that there is a typographical error on the face of the Kipling reference and that the related provisional application of Kipling is actually dated "Feb. 1, 2000".

As per claim 1, Kipling teaches a system for Internet based procurement of non-cataloged goods and services based upon qualified resumes, comprising:

a human resources procurement server (See figure 1, paragraphs 0017, 0020-1, 0025, which discusses a contract worker procuring system linked over a network with a server);

an associate vendor terminal connected to said human resources procurement server (See figure 1, paragraphs 0017, 0020, 0028, 0034-35, which discusses a supplier terminal connected to the system that supplies contract workers);

a hiring manager terminal, connected to the human resources procurement server (See figure 1, paragraphs 0017, 0020, 0028, 0038, which discusses a client terminal that is connected to the system and hires the contract workers);

wherein the human resources procurement server receives at least one job request from said hiring manager terminal, the human resources procurement server further receives at least one qualified resume from said associate vendor terminal and forwards said qualified resume to said hiring manager terminal for review (See paragraphs 0017, 0027-8, 0034-6, and 0038, wherein an order request is received from the client (hiring manager) and resumes for workers are received from suppliers (i.e. associate vendor terminal). Based on the order submitted by the client, qualified workers' resumes are forwarded to the client for review).

As per claim 2, Kipling discloses wherein said hiring manager terminal receives said qualified resume and generates a request to said associate vendor terminal for an interview with said qualified resume applicant if requested by said hiring manager terminal (See paragraphs 0017, 0028, 0038, wherein the client requests to interview the worker).

As per claim 6, Kipling teaches wherein said associate vendor terminal accesses said human resources procurement server via the Internet (See figure 1, paragraphs 0020-1, 0025, 0034, which discloses the vendor/supplier terminal connected via the Internet).

As per claim 7, Kipling discloses wherein said hiring manager terminal accesses said human resources procurement server via the Internet (See figure 1, paragraphs 0020-1, 0025, 0034, which discloses the hiring manager/client terminal connected via the Internet).

As per claim 8, Kipling teaches wherein said hiring manager terminal generates a notification message to said associate vendor terminal indicating that said qualified resume applicant has been accepted for employment (See paragraphs 0017 and 0038, wherein the hiring manager/client terminal notifies the vendor/supplier terminal via the system that the resume and worker have been accepted).

As per claim 11, Kipling discloses a method for the Internet based procurement of non-cataloged goods or services based upon qualified resumes, comprising the steps of:

entering a job description for a temporary employment position via the Internet (See paragraphs 0021, 0028, 0034, wherein a job description is entered into the system by a client terminal via the Internet);

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submitting a qualified resume of a job applicant by an associate vendor to a hiring manager for approval via the Internet (See paragraphs 0021, 0027-8, 0035-6, wherein a resume of a worker is submitted by a vendor/supplier to the system via the Internet);

reviewing said qualified resume by said hiring manager (See paragraphs 0017, 0037-9, wherein the hiring manager/client reviews the resume and worker); and

generating a request for an interview if said applicant is acceptable (See paragraphs 0017, 0028, 0038, wherein the client requests to interview the worker).

As per claim 12, Kipling teaches the steps of:

notifying said hiring manager of a confirmed interview (See paragraphs 0017, 0028, 0038, wherein the worker interview is scheduled);

interviewing said job applicant for said temporary employment position (See paragraphs 0017, 0028, 0038, wherein the worker is interviewed); and

notifying said associate vendor whether said job applicant is approved for employment (See paragraphs 0038-40, wherein the supplier/associate vendor is notified that the worker has been approved).

As per claim 13, Kipling teaches wherein said step of entering said job description further includes the step of storing said job description in a job description database (See paragraphs 0027-8, 0034, 0045, wherein the job description is stored with the order request in a database of the system).

As per claim 16, Kipling teaches the steps of:

approving said job applicant for employment (See paragraphs 0038-40, wherein the job applicant is approved for hire);

requesting necessary employment information regarding said job applicant (See paragraphs 0038-40, wherein the supplier is contacted to determine if the worker is still available and assignable to the client); and

generating a purchase order for said job applicant to begin work (See paragraph 0040, wherein the system, based on the approval of a worker, generates a record in the system that stores information about the amount the client must pay the worker).

As per claim 21, Kipling discloses wherein said step of submitting said qualified resume further includes the step of adhering to a plurality of business rules submitted by said hiring manager prior to submitting said qualified resume (See paragraphs 0021, 0027-8, 0034-6, wherein a job description describing rules (qualification, criteria) for hiring a worker is submitted by the hiring manager).

As per claim 22, Kipling discloses wherein said plurality of business rules may be a minimum or a maximum amount of total consecutive time a job applicant may work at a particular employer, the prohibition of hiring a previously discharged job applicant or the standard salary rate for a particular job description (See paragraphs 0028, 0034, and 0040, wherein the rules includes a standard salary for a job description).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 3-5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kipling (U.S. 2002/0103687). Examiner again notes that there is a typographical error on the face of the Kipling reference and that the related provisional application of Kipling is actually dated "Feb. 1, 2000".

As per claim 3, Kipling discloses wherein said human resources procurement server further comprises:

a central processing unit that controls the overall operation of said human resources procurement server (See figures 1-2, paragraphs 0020, 0022-3, 0029);

a memory that stores a control program to operate said human resources procurement server and that temporarily stores said qualified resume (See figure 1, paragraphs 0022-3, 0027, 0029);

a job database connected to said central processing unit and to said memory, that stores said at least one job description (See paragraphs 0027-9, 0034, wherein a job description is stored in the system) ; and

a device, connected to the Internet and to said central processing unit, that facilitates the transfer of said qualified resume from said associate vendor terminal to said hiring manager terminal (See paragraphs 0021, 0027-9, 0034, 0036-7, wherein the system is connected via the internet and information is transferred between the terminals using the internet).

However, Kipling does not expressly disclose using a modem to connect to the network system.

Kipling discloses a digital data processor (paragraph 0023) and that the terminals are connected to each other via a network system. Modems are old and well known devices in

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networking that allow a computer to connect to other computers. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow a terminal in Kipling to connect to the system using a modem in order to increase the number of clients that would be able to connect to the system and utilize the streamlined process for ordering contract workers. See paragraphs 0020-1, wherein Kipling discloses such a streamlines process and the use of other communication software to connect to the network.

As per claim 4, Kipling discloses wherein said central processing unit restricts access of said associate vendor terminal to said job database based upon criteria submitted from said hiring manager terminal (See paragraphs 0027-8, 0034-6, wherein the supplier/associate vendor only is shown the job description of the current order).

As per claim 5, Kipling discloses wherein said criteria is selected from a group of criteria, the criteria which includes the said associate vendor's profile and the qualifications of the associate vendor's workers (See paragraphs 0028, 0034, 0036, wherein the suppliers are picked based on criteria, including the qualifications of the suppliers' workers and the profile of the supplier). However, Kipling does not expressly disclose that group of criteria includes the vendor terminal's geographic location and area of expertise.

Kipling discloses a vendor profile and resumes and qualifications of the workers represented by the vendor. Geographic area and area of expertise are well known criteria used in recruitment and hiring of employees. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include these criteria in the criteria used by Kipling in order to more accurately match workers to the needs of the employee.

As per claim 20, Kipling teaches the step of generating a notification to said hiring manager at which point the hiring manager decides to schedule an interview or take another action (See paragraphs 0017 and 0037-8). Kipling further discusses monitoring the time taken to complete each stage of the process (See paragraph 0048). However, Kipling does not expressly disclose sending a reminder if no request for an interview is received within a predetermined period of time.

Kipling discloses an automated system that allows a client to request contract workers, receive information concerning potential contract workers, and then make a determination of whether or not to hire these workers. Kipling discloses that when qualified contract workers are identified, a notification is sent to the client. Kipling further discloses monitoring each stage of the process to record how long is taken to complete each stage in order to determine the performance or efficiency of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send reminders to hiring managers of Kipling in order to increase the response time of the users of the system, thus increasing the efficiency and performance of the system in fulfilling order requests. See paragraph 0048 or Kipling. Using reminders to meet deadlines and cause action is well known in the art of ask management.

10. Claims 9-10 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kipling (U.S. 2002/0103687) in view of Dietz et al. (U.S. 6,408,337).

As per claim 9, Kipling teaches a system includes a human resource procurement server and a vendor terminal, and paying the contract worker an agreed to rate (See figure 1, paragraphs 0017, 0020-1, 0025, which discusses the system. See paragraphs 0028, 0034, 0039-40, wherein

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the contract worker is paid). However, Kipling does not expressly disclose a time and billing server, connected to said human resources procurement server, that receives a plurality of time slips from said associate vendor terminal pertaining to time worked for said accepted qualified resume applicant and generates an invoice to said hiring manager terminal for payment.

Dietz et al. discloses a non-employee worker procured from a vendor, wherein the vendor is the employer of the worker (See column 3, lines 35-45). Dietz et al. further discloses a time and billing server, connected to the system, that receives a plurality of time slips pertaining to time worked for said accepted qualified resume applicant and generates an invoice to said hiring manager terminal for payment (See column 7, lines 5-25, wherein a time card is accepted. See column 7, lines 35-65, wherein the report requesting payment is generated and forwarded for approval and payment). Dietz et al. also discloses that the vendor is paid for the services of the non-employee, where the payment is transferred to the vendor, and wherein the vendor disputes compensation discrepancies (See column 7, lines 50-67). However, Dietz et al. does not expressly disclose that the time slips come directly from said associate vendor terminal.

Both Kipling and Dietz et al. disclose systems for requesting and hiring non-employee/contract workers from a vendor/supplier via an automated system. Kipling teaches paying the contract worker an agreed to rate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the time entry and approval software of Dietz et al. to pay the workers of Kipling in order to more increase the ease of engaging and managing a contract worker by automating all aspects of the process including the payment of the worker using a simplified and uniform tool. See column 1, lines 5-10 and 53-67, of Dietz et al. and paragraphs 0008 and 0051 of Kipling, which discuss such a motivation.

Furthermore, Dietz et al. discloses that the vendor is the employer of the non-employee utilized by an organization. Therefore, after the non-employee creates invoice of his/her time worked, the vendor is compensated for the work of the non-employee. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the non-employee report to the vendor his/her time worked and have the vendor invoice the organization for compensation in order to decrease the number of disputes needed to be filed by the employing vendor through the rearrangement of parts of the system. See column 7, lines 50-65, of Dietz et al. that states that a vendor would invoice for compensation in other arrangements.

As per claim 10, Kipling teaches paying the contract worker an agreed to rate (See paragraphs 0028, 0034, 0039-40, wherein the contract worker is paid). However, Kipling does not expressly disclose and Dietz et al. discloses a bank server, connected to said human resources procurement server and said hiring manager terminal, that receives authorization from said hiring manager terminal to pay said invoice to said human resources procurement server (See figure 3 and column 7, lines 50-67, which discusses approval of time and electronic funds transfers).

Both Kipling and Dietz et al. disclose systems for requesting and hiring non-employee/contract workers from a vendor/supplier via an automated system. Kipling teaches paying the contract worker an agreed to rate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the time entry and approval software of Dietz et al. to pay the workers of Kipling in order to more increase the ease of engaging and managing a contract worker by automating all aspects of the process including the payment of the worker using a simplified and uniform tool. See column 1, lines 5-10 and 53-67, of Dietz et al. and paragraphs 0008 and 0051 of Kipling, which discuss such a motivation.

As per claim 17, Kipling teaches paying the contract worker an agreed to rate (See paragraphs 0028, 0034, 0039-40, wherein the contract worker is paid). However, Kipling does not expressly disclose and Dietz et al. discloses paying the contract worker via the steps of:

accepting at least one time card representing time worked on a particular job (See column 7, lines 5-25, wherein a time card is accepted);

generating an invoice requesting payment for said at least one time card (See column 7, lines 35-65, wherein the report requesting payment is generated); and

forwarding said invoice to said hiring manager for approval and payment (See column 7, lines 35-65, wherein the report is forwarded for approval and payment).

Both Kipling and Dietz et al. disclose systems for requesting and hiring non-employee/contract workers from a vendor/supplier via an automated system. Kipling teaches paying the contract worker an agreed to rate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the time entry and approval software of Dietz et al. to pay the workers of Kipling in order to more increase the ease of engaging and managing a contract worker by automating all aspects of the process including the payment of the worker using a simplified and uniform tool. See column 1, lines 5-10 and 53-67, of Dietz et al. and paragraphs 0008 and 0051 of Kipling, which discuss such a motivation.

As per claim 18, Kipling teaches paying the contract worker an agreed to rate (See paragraphs 0028, 0034, 0039-40, wherein the contract worker is paid). However, Kipling does not expressly disclose automatically approving said invoice if said hiring manager does not respond within a predetermined period of time.

Dietz et al. discloses paying compensation based on time worked, the completion of a deliverable, or date dependant. The request for compensation is automatically triggered based on a date or a completion (See column 7, lines 7-25, column 8, lines 1-20, wherein compensation is paid and is automatically triggered). However, Dietz et al. does not expressly disclose the hiring manager not responding.

Both Kipling and Dietz et al. disclose systems for requesting and hiring non-employee/contract workers from a vendor/supplier via an automated system. Kipling teaches paying the contract worker an agreed to rate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the time entry and approval software of Dietz et al. to pay the workers of Kipling in order to more increase the ease of engaging and managing a contract worker by automating all aspects of the process including the payment of the worker using a simplified and uniform tool. See column 1, lines 5-10 and 53-67, of Dietz et al. and paragraphs 0008 and 0051 of Kipling, which discuss such a motivation.

Dietz et al. also discloses that the timing of paying a non-employee would be date dependent. Prescribed and cyclical pay periods are old and well known in business, such as being paid the first Monday of a month or every other Friday. It would have been obvious to one of ordinary skill in the art at the time of the invention to pay the worker in the event the hiring manager does not respond in order to more efficiently and accurately meet the contractual agreements between the vendor and the organization of Dietz et al., wherein the vendor pays the workers. See column 6, lines 40-67, of Dietz et al. which discusses contractual relationships.

As per claim 19, Kipling teaches the steps of:

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generating a record that records the status of said job applicant (See paragraphs 0040, 0042-3, 0046, 0048, wherein the status of the worker is recorded, the status being the status of the resume and the work status of the worker); and

viewing said record to determine the current employment status of said job applicant and an applicant's availability for an interview (See paragraphs 0017 and 0040, which discloses the current employment status of the applicant. See also paragraph 0038, wherein an interview is scheduled with the job applicant).

However, Kipling does not expressly disclose the length of time job applicant has been employed at a particular position being stored in the record of the job applicant.

Dietz et al. discloses the length of time job applicant has been employed at a particular position being stored with the data concerning the applicant (See column 9, lines 5-25, which discusses data stored about the worker).

Both Kipling and Dietz et al. disclose systems for requesting and hiring non-employee/contract workers from a vendor/supplier via an automated system. Kipling teaches viewing records associated with an applicant, such as the applicant's current employment status. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include history records, such as the worker's length of time at a particular position, in the record of the worker of Kipling in order to increase the ease of engaging and managing a contract worker by including all data needed to review and hire a worker in one simplified and uniform tool. See column 1, lines 5-10 and 53-67, of Dietz et al. and paragraphs 0008 and 0051 of Kipling, which discuss such a motivation.

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11. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kipling (U.S. 2002/0103687) in view of McGovern et al. (U.S. 6,370,510).

As per claim 14, Kipling teaches wherein said step of submitting said qualified resume further includes the steps of viewing said job description (See paragraphs 0021, 0027-8, 0035-6, which discloses viewing a description and submitting a resume). However, Kipling does not expressly disclose requesting additional information from said hiring manager if said job description is unclear.

McGovern et al. disclose requesting additional information from said hiring manager if said job description is unclear (See column 4, lines 25-50, and column 15, lines 40-62, wherein additional information is requested concerning the job description).

Both Kipling and McGovern et al. disclose automated systems for advertising employment needs via the Internet and for receiving resumes from prospective employees. Kipling discloses allowing a job description to be viewed. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow more detailed information about the job of Kipling to be viewed when requested in order to increase the efficiency of the system by allowing a person to quickly locate positions by simplifying the display and only showing additional information to persons who need more information. See column 3, lines 50-65, and column 4, lines 25-45.

As per claim 15, Kipling teaches wherein said step of viewing said job description further includes the step of viewing only those job descriptions that said hiring manager has authorized said associate vendor to view (See paragraphs 0027-8, 0034-6, wherein the supplier/associate vendor only is shown the job description of the current order).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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bvd

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July 22, 2006

Romain Jeaury
Primary Examiner
Art Unit 3623